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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,955	07/25/2006	Yoshinobu Watanabe	10873.1897USWO	3465
53148 7590 02/10/2009 HAMRE, SCHUMANN, MUELLER & LARSON P.C. P.O. BOX 2902-0902 MINNEAPOLIS, MN 55402				
EXAMINER DASGUPTA, SOUMYA				
ART UNIT 2176		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/586,955

**Applicant(s)**

WATANABE ET AL.

**Examiner**

SOU MYA DASGUPTA

**Art Unit**

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Applicant's Response***

In the applicant's response for application 10/586,955 dated 12/24//2008, the applicant did not amend any claims; and cancelled Claims 2-4 and 8-9; and argued against all the rejections and objections.

Claims 1-9, as originally filed, are currently pending and have been considered below.

Claims 1 and 6 are independent claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

*Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al (US 2004/0254465; Patent Issue Date: Dec 16, 2004; Patent Filing Date: Nov 22, 2001; hereafter Sano) in view of Buxton et al (US 6,094,197; Patent Issue Date: Jul 25, 2000; Patent Filing Date: Dec May 17, 1995; hereafter Buxton).*

**Claim 1:**

Sano discloses **an ultrasonic diagnosis system comprising: an ultrasonic detecting portion that transmits an ultrasonic wave to a subject and receives a reflected wave therefrom;** (Abstract → Sano discloses an ultrasonic diagnostic equipment that which projects ultrasonic signals into a patient, and which generates an ultrasonic image on the basis of reflection echoes within the patient. It is well known in the art that ultrasound machines have mechanisms used for " detecting portion that transmits an ultrasonic wave to a subject and receives a reflected wave therefrom.")

**an image display portion that has a diagnostic image display region for displaying a diagnostic image based on an image signal from the ultrasonic detecting portion and displays a setting button and a cursor of a pointing device for making a selection of a setting condition;** (Abstract → Sano discloses "an image display portion that has a diagnostic image display region for displaying a diagnostic image based on an image signal from the ultrasonic detecting portion" in that the workflow system controls the equipment operations including generation of the ultrasonic image. Fig 3 → Sano discloses "displays a setting button and a cursor of a

pointing device for making a selection of a setting condition" in that user can select settings for the diagnostic system on a menu.)

**and a control portion that has a function of setting the setting condition based on the selection of the setting condition;** (Fig 3 → Sano discloses "function of setting the setting condition based on the selection of the setting condition" in that user can select settings for the diagnostic system on a menu.)

**wherein the ultrasonic diagnosis system has a function in which a pop-up menu opens by locating the cursor on the setting button,** (Figs 12 (A-C) → Sano discloses "function in which a pop-up menu opens by locating the cursor on the setting button" in that the user can use the pop-up menu to select functions by using a cursor.)

**and a function in which an alternative in the pop-up menu is selected by locating the cursor on the alternative** (Figs 12 (A-C) → Sano discloses "a function in which an alternative in the pop-up menu is selected by locating the cursor on the alternative" in that the user has choices of selection to choose from on the pop-up menu. The examiner interprets "alternative" to mean selections on the pop-up menu.)

Sano does not appear to explicitly disclose **the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu.**

Buxton discloses **the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu.** (Figs 2-5 → Buxton discloses “the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu” in that the icons are able to be selected and formatted when the cursor moves in a certain direction away from the selection.)

Sano and Buxton are analogous art because they are from the same field of endeavor of selecting icons.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Sano and Buxton before him or her, to incorporate ultrasonic diagnostic equipment with selectable menu options, as disclosed by Sano, with a directional proximity selector, as disclosed by Buxton .

The motivation for doing so would have been to allow users to select an icon without clicking on it.

Therefore, it would have been obvious to combine Buxton with Sano to obtain the invention as specified in the instant claim.

**Claim 6:**

Sano discloses **an ultrasonic diagnosis system comprising: an ultrasonic detecting portion that transmits an ultrasonic wave to a subject and receives a reflected wave therefrom;** (Abstract → Sano discloses an ultrasonic diagnostic equipment that which projects ultrasonic signals into a patient, and which generates an

ultrasonic image on the basis of reflection echoes within the patient. It is well known in the art that ultrasound machines have mechanisms used for "detecting portion that transmits an ultrasonic wave to a subject and receives a reflected wave therefrom.")

**an image display portion that has a diagnostic image display region for displaying a diagnostic image based on an image signal from the ultrasonic detecting portion and displays a setting button and a cursor of a pointing device for making a selection of a setting condition;** (Abstract → Sano discloses "an image display portion that has a diagnostic image display region for displaying a diagnostic image based on an image signal from the ultrasonic detecting portion" in that the workflow system controls the equipment operations including generation of the ultrasonic image. Fig 3 → Sano discloses "displays a setting button and a cursor of a pointing device for making a selection of a setting condition" in that user can select settings for the diagnostic system on a menu.)

**and a control portion that has a function of setting the setting condition based on the selection of the setting condition;** (Fig 3 → Sano discloses "function of setting the setting condition based on the selection of the setting condition" in that user can select settings for the diagnostic system on a menu.)

**wherein the ultrasonic diagnosis system has a function in which a pop-up menu opens by locating the cursor on the setting button,** (Figs 12 (A-C) → Sano discloses “function in which a pop-up menu opens by locating the cursor on the setting button” in that the user can use the pop-up menu to select functions by using a cursor.)

**and a function in which an alternative in the pop-up menu is selected by locating the cursor on the alternative** (Figs 12 (A-C) → Sano discloses “a function in which an alternative in the pop-up menu is selected by locating the cursor on the alternative” in that the user has choices of selection to choose from on the pop-up menu. The examiner interprets “alternative” to mean selections on the pop-up menu.)

Sano does not appear to explicitly disclose **the alternative that is selected last is confirmed by moving the cursor rightward, leftward, horizontally, upward, downward or vertically in the selected alternative in the pop-up menu.**

Buxton discloses **the alternative that is selected last is confirmed by moving the cursor rightward, leftward, horizontally, upward, downward or vertically in the selected alternative in the pop-up menu.** (Figs 2-5 → Buxton discloses “the alternative that is selected last is confirmed by moving the cursor rightward, leftward, horizontally, upward, downward or vertically in the selected alternative in the pop-up



menu" in that the icons are selected and formatted when the cursor moves in different directions.)

Sano and Buxton are analogous art because they are from the same field of endeavor of selecting icons.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Sano and Buxton before him or her, to incorporate ultrasonic diagnostic equipment with selectable menu options, as disclosed by Sano, with a directional proximity selector, as disclosed by Buxton .

The motivation for doing so would have been to allow users to select an icon without clicking on it.

Therefore, it would have been obvious to combine Buxton with Sano to obtain the invention as specified in the instant claim.

*Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al (US 2004/0254465; Patent Issue Date: Dec 16, 2004; Patent Filing Date: Nov 22, 2001; hereafter Sano) in view of Buxton et al (US 6,094,197; Patent Issue Date: Jul 25, 2000; Patent Filing Date: Dec May 17, 1995; hereafter Buxton) in further view of Alexander (US 6,049,325; Patent Issue Date: Apr 11, 2000; hereafter Alexander).*

**Claim 5:**

Sano discloses the limitations of Claim 8.

Sano also discloses selection of items in a pop-up menu. (Figs 12 (A-C)).

Buxton discloses directional proximity selecting mechanisms. (Figs 2-5)

Sano and Buxton do not appear to explicitly disclose **the ultrasonic diagnosis system which has a function of setting a time period until the pop-up menu opens by locating the cursor of the pointing device on the setting button drawn on a screen.**

Alexander discloses **the ultrasonic diagnosis system which has a function of setting a time period until the pop-up menu opens by locating the cursor of the pointing device on the setting button drawn on a screen.** (Col 3, lines 9-15 →

Alexander discloses “a function of setting a time period until the pop-up menu opens by locating the cursor of the pointing device on the setting button drawn on a screen” in that the dwell time is used for selection of an icon by cursor.)

Sano, Buxton, and Alexander are analogous art because they are from the same field of endeavor of selecting icons.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of San, Buxton, and Alexander before him or her, to incorporate ultrasonic diagnostic equipment with selectable menu options, as disclosed

by Sano, with a directional proximity selection mechanism, as disclosed by Buxton, and with a dwell time selector, as disclosed by Alexander.

The motivation for doing so would have been to allow users to select an icon without clicking on it.

Therefore, it would have been obvious to combine Alexander and Buxton with Sano to obtain the invention as specified in the instant claim.

**Claim 7:**

Claim 7 corresponds to Claim 5.

***Response to Arguments***

**Claims (1 and 6) Rejection under 35 USC ~ 103(a):**

Applicant's arguments filed 12/24/2008 have been fully considered but they are not persuasive. For Claims 1 and 6, the applicant argues that the prior art, Sano in view of Buxton, does not disclose (i) "selection by moving the cursor to a region outside of the pop-up menu", as recited in Claim 1 and (ii) "selection by moving the cursor rightward, leftward, horizontally, upward, etc in the selected alternative in the pop-up menu," as recited in Claim 6.

The examiner disagrees.

(i) Buxton discloses "selection by moving the cursor to a region outside of the pop-up menu" in that the user can select a capitalized "A" by selecting the "a" and then moving the selecting tool outside the box or away from the object (see Fig 3 – Stroke command). Fig 4 and Fig 6 discloses selection by cursor movements in different directions away from the object. (ii) Buxton discloses "selection by moving the cursor rightward, leftward, horizontally, upward, etc in the selected alternative in the pop-up menu" in that system shows selections made by moving the cursor in different directions away from the object.

Claims (5 and 7) Rejection under 35 USC ~ 103(a):

Claims 5 and 7 are rejected due to their dependency on Claims 1 and 6 respectively.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOUMYA DASGUPTA whose telephone number is (571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/DOUG HUTTON/  
Supervisory Patent Examiner, Art Unit 2176